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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,386	04/18/2001	Susumu Honma	109296	7176

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EXAMINER
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EHICHOYA, FRED I

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 01/29/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/836,386

Applicant(s)

HONMA ET AL.

Examiner

Fred I. Ehichioya

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1 – 12 filed November 4, 2003 have been fully considered but they are not persuasive for the following reasons.

2. Applicants argue:

(a) "Shimotsuji does not disclose "extracting conditions input means for inputting a condition of extracting a specific data input form out of the plural data input forms," as recited in claim 1" (Page 3, Para 2).

(b) "Unfortunately, the Office Action never states what part of Shimotsuji is to be modified and how it is to be modified, or how Kumagai's characteristics value settlement circuit 304 will work with Shimotsuji" (Page 4, Para 3).

(c) "Neither applied reference discusses the benefits of retrieving items of interest without the use of a conventional index" (Page 5, Para 1).

(d) "Neither Shimotsuji nor Kumagai disclose the second and third positively recited clauses in the body of claims 1, 5 and 9; the Office Action does not provide proper evidence of motivation to modify Shimotsuji to achieve the invention recited in claims 1, 5 and 9; the Office Action fails to address the invention recited in claims 1, 5 and 9 in regard to the alleged modification of Shimotsuji; the Office Action fails to indicate how Shimotsuji would be modified by Kumagai's characteristics variable settlement circuit 304 to result in the invention recited in claims 1, 5 and 9, and, the

proposed modification of Shimotsuji, even if proper, would not render the invention recited in claims 1, 5 and 9 obvious" (Page 5, Para 4).

Examiner respectfully disagrees with all of the allegations as argued. Examiner, in his previous office action, gave detail explanation of claim limitations and pointed out exact locations in the cited prior art.

In response to Applicants' argument (a), that Shimotsuji does not teach or suggest, "extracting conditions input means for inputting a condition of extracting a specific data input form out of the plural data input forms", Examiner wants to point out that this rejection is 35 USC 103 rejection and that the Applicants are attacking each reference individually.

In response to applicants' arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant only argues Shimotsuji reference.

Examiner maintains that Combination of Shimotsuji's teaching of extraction means for extracting line data (column 2, lines 1 – 41) and Kumagai's teachings of extracting condition of input data such as on what kind of condition input data is to be extracted (column 3, lines 33 – 61) clearly teach Applicant's claimed invention.

In response to Applicants' argument (b) and referring to the response to argument (a) discussed above, combining Kumagai's extracting condition of input data and Shimotsuji's extraction means for extracting line data clearly suggest to one of

ordinary skill in the art at the time the invention was made, an "extracting conditions input means for inputting a condition of extracting a specific data input form".

In response to Applicants' argument (c): The benefit of retrieving items of interest without the use of conventional index is that it reduces the amount of time required for the search.

In response to Applicants' argument (d): Examiner disagrees with the applicants. Response to arguments (a) – (c) and the rejection of the last Office Action address this argument.

3. In view of the above, the examiner contents that all limitations as recited in the claims have been address in this Action. For the above reasons, Examiner believed that rejection of the last Office action was proper.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 - 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,815,704 issued to Shigeyoshi Shimotsuji et al (hereafter "Shimotsuji") in view of U.S. Patent 5,438,682 issued to Ryohei Kumagai (hereinafter "Kumagai").

Regarding claim 1, Shimotsuji teaches a data input form retrieving system comprising:

character string extracting means for extracting a character string out of each of plural data input forms containing character strings ("character-line extraction means for extracting line data and character data from the input image data", see column 1, lines 55 – 57);

extracting conditions input means for inputting a condition of extracting a specific data input form out of the plural data input forms ("image input means for inputting image data of a new document; extraction means for extracting line data from the new document input image data", see column 2, line 15 - 17);

and data input form extracting means for extracting the specific data input form by retrieving the character string extracted by the character string extracting means in accordance with the extracting condition inputted by the extracting condition input means ("image input means for inputting image data of a new document; character-line extraction means for extracting line data and character data from the input image data" see column 2, lines 2 - 5).

Shimotsuji does not explicitly disclose extracting condition and inputting condition.

However, Kumagai discloses extracting condition and inputting condition ("extracting condition of input data such as on what kind of condition input data is to be extracted," for instance "on all the pixels." Characteristics variable settlement circuit 304

settles the condition of characteristics variable such as "what kind of data to be extracted," for instance "the number of pixels." see column 3, lines 33 – 39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Kumagai with the teaching of Shimotsuji wherein extracting condition and inputting condition define the extracting condition of input data such as "on what kind of condition input data is to be extracted. The motivation is that these conditions retrieve the items of interest from the database at high speed without the use of conventional index.

Regarding claims 2, 6 and 10, Shimotsuji teaches all the character strings contained in each of the plural data input forms are extracted ("Shimotsuji discloses "character strings" as "line data and character data", see column 1, lines 55 – 57).

Regarding claims 3, 7 and 11, Shimotsuji teaches a specific character string is selected out of the character strings contained in the plural data input forms (see column 6, lines 15 – 20).

Regarding claims 4, 8 and 12, Shimotsuji teaches a data input form retrieving system comprising:

keyword adding means for adding a keyword to each of plural data input forms ("keyword is inputted to retrieve data desired by a user", see column 1, lines 35 – 36);

extracting condition input means for inputting a condition of extracting a specific data input form out of the plural data input forms ("image input means for inputting image data of a new document; extraction means for extracting line data from the new document input image data", see column 2, lines 15 – 17); and

data input form extracting means for extracting the specific data input form by retrieving the keyword added by the keyword adding means in accordance with the extracting condition inputted by the extracting condition input means ("image input means for inputting image data of a new document; character-line extraction means for extracting line data and character data from the input image data" see column 2, lines 2 – 5).

Shimotsuji does not explicitly teach extracting condition inputted by the extracting condition.

However, Kumagai discloses extracting condition inputted by the extracting condition ("extracting condition of input data such as on what kind of condition input data is to be extracted," for instance "on all the pixels." Characteristics variable settlement circuit 304 settles the condition of characteristics variable such as "what kind of data to be extracted," for instance "the number of pixels." see column 3, lines 33 – 39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Kumagai with the teaching of Shimotsuji wherein extracting condition and inputting condition define the extracting condition of input data such as "on what kind of condition input data is to be extracted. The



motivation is that these conditions retrieve the items of interest from the database at high speed without the use of conventional index.

Regarding claims 5 and 9, Shimotsuji teaches a data input form retrieving method comprising:

extracting a character string out of each of plural data input forms containing character strings (see column 1, lines 55 – 57 and column 3, lines 46 – 47; "The character line extraction section 2 extracts line/character from the input image data");

extracting the specific data input form by retrieving the extracted character string in accordance with the inputted extracting condition (see column 8, lines 24 – 29;).

Shimotsuji does not explicitly disclose inputting a condition of extracting a specific data input form out of the plural data input forms.

However, Kumagai discloses inputting a condition of extracting a specific data input form out of the plural data input forms ("extracting condition of input data such as on what kind of condition input data is to be extracted," for instance "on all the pixels." Characteristics variable settlement circuit 304 settles the condition of characteristics variable such as "what kind of data to be extracted," for instance "the number of pixels." see column 3, lines 33 – 39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Kumagai with the teaching of Shimotsuji wherein extracting condition and inputting condition define the extracting condition of input data such as "on what kind of condition input data is to be extracted. The

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motivation is that these conditions retrieve the items of interest from the database at high speed without the use of conventional index.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-303-3900.

Fred I. Ehichioya  
Examiner  
Art Unit 2172  
January 25, 2004



SHAHID ALAM  
PRIMARY EXAMINER